

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-2(c)



In Re:

Edwin H. Stier vs.  
Howard D. Birdsall, et al.

Case No.: 13-16743

Adv. No.: 13-01807

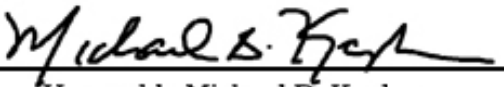
Hearing Date:

Judge: Michael B. Kaplan

**ORDER SCHEDULING MOTION FOR JUDGMENT ON PLEADINGS**

The relief set forth on the following pages, numbered two (2) through 4 is hereby **ORDERED**.

**DATED: 10/9/2013**

  
\_\_\_\_\_  
Honorable Michael B. Kaplan  
United States Bankruptcy Judge

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

**Caption in Compliance with D.N.J. LBR 9004-2(c)  
WASSERMAN, JURISTA & STOLZ, P.C.**

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*Counsel to Plaintiff, Edwin H. Stier, Chapter 7  
Trustee*

*DANIEL M. STOLZ, ESQ.*

In Re:

**BIRDSALL SERVICES GROUP, INC., et al,**

Debtor.

**EDWIN H. STIER**, Bankruptcy Trustee for Birdsall  
Services Group, Inc., and BSG Engineering,  
Surveying & Landscape Architecture, LLC

Plaintiff,

v.

**HOWARD D. BIRDSALL; WILLIAM T.  
BIRDSALL; JOHN HESS; JAMES JOHNSTON;  
SUSAN JACKSON; ALAN P. HILLA; JOHN C.  
MORRIS, III, PHILLIP ANGARONE, ROBERT  
GERARD; EILEEN KUHFAHL-SPEARS;  
SCOTT R. MCFADDEN; THOMAS K. ROSPOS;  
ARSENAULT, WHIPPEL, FASSET &  
AZZARELLO, LLP; BELSOLE & KURNOS,  
LLC; BENEDICT & ALTMAN; CHAMLIN  
ROSEN ULIANO & WITHERINGTON;  
CRITCHLEY, KINUM & VAZQUEZ, LLC;  
KROVATIN KLINGEMAN; LAW OFFICE OF  
ROBERT G. STEVENS; MCCARTER &  
ENGLISH, LLP; MCDONALD & ROGERS,  
LLC; NUZZI & MASON, LLC; LOMURRO,  
DAVISON, EASTMAN & MUNOZ, PA;  
STARKEY, KELLY, KENNEALLY,  
CUNNINGHAM & TURNBACH; WEIR &**

Case No.: 13-16743(MBK)

Judge: Michael B. Kaplan

Chapter: 7

Hearing Date:

Adv Proc. No. 13-01807

**ORDER  
SCHEDULING MOTION FOR  
JUDGMENT ON PLEADINGS**

Page (2)

Debtor: Birdsall Services Group, Inc., et al.

Adv. Proc. No. 13-01807 (MBK)

Caption of Order: Order Scheduling Motion for Judgment on Pleadings

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**PLAZA, LLC; AND U.S. SPECIALTY  
INSURANCE COMPANY,**

Defendants.

The relief set forth on the following pages, numbered two (2) and three (3) is hereby

**ORDERED.**

Debtor: Birdsall Services Group, Inc., et al.

Adv. Proc. No. 13-01807 (MBK)

Caption of Order: Order Scheduling Motion for Judgment on Pleadings

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This matter having come before the Court on the Verified Application of Trustee, Edwin H. Stier, by and through his counsel, Wasserman, Jurista & Stolz, P.C., upon the filing of a Verified Application, seeking the entry of an Order establishing subrogation rights and directing payment and the Court having deemed the Trustee's Application to constitute a Motion for Judgment on the pleadings and the Court having conducted a conference call among all parties on October 3, 2013, and finding good cause for the entry of the within Order,

**IT IS HEREBY ORDERED,** as follows:

1. The Trustee's Verified Application seeking the entry of an Order establishing subrogation rights and directing payment, shall be deemed by the Court, a Motion for Judgment on the pleadings, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure;
2. A Hearing on the Trustee's Motion for Judgment on the pleadings shall be held before this Court on November 22, 2013 at 10:00 a.m.
3. Opposition to the Trustee's Motion shall be in writing, filed with the Court and served upon the Trustee and the parties no later than November 1, 2013.
4. Any reply by the Trustee to opposition filed shall be filed with the Court and served upon the parties no later than November 15, 2013.